

H.B. 307
FACTUAL INNOCENCE AMENDMENTS

Representative **Brad L. Dee** proposes the following amendments:

1. *Page 3, Lines 60 through 65:*

60 (b) Upon entry of a finding that the petition is sufficient under Subsection (2)(a), the
61 court shall then review the petition to determine if Subsection (3)(a) has been satisfied. If the
62 court finds that the requirements of Subsection (3)(a) have not been satisfied, it may dismiss
63 the petition without prejudice and give notice to the petitioner and the attorney general of the
64 dismissal, or the court may ~~{ enter a finding that based upon the strength of the petition, the~~
65 ~~requirements of Subsection (3)(a) are waived in the interest of justice }~~ waive the requirements of
Subsection (3)(a) if the court finds the petition should proceed to hearing based upon the strength of the
petition, and that there is other evidence that could have been discovered through the exercise of
reasonable diligence by petitioner or petitioner's counsel at trial, and the other evidence:
(i) was not discovered by petitioner or petitioner's counsel;
(ii) is material upon the issue of factual innocence; and
(iii) has never been presented to a court .

2. *Page 6, Lines 168 through 170:*

168 (b) the determination is based upon the newly discovered material evidence described
169 in the petition, pursuant to Subsection 78B-9-402 {~~(2)(a)~~}, and as defined in Subsection
170 78B-9-401.5(3).